

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANTHONY M. ELLIS aka MALIK ELLIS,

Plaintiff,

-against-

C.O. SONKO, *et al.*,

Defendants.

21-CV-4766 (KMK)

ORDER OF DISMISSAL

KENNETH M. KARAS, United States District Judge:

Plaintiff Anthony M. Ellis (“Plaintiff”) was incarcerated at Downstate Correctional Facility (“Downstate”) when he filed this pro se Complaint, which is dated May 23, 2021. On June 3, 2021, the Court granted Plaintiff’s request to proceed without prepayment of fees, that is, in forma pauperis (“IFP”), and the Clerk’s Office mailed a copy of that Order to Plaintiff at Downstate that same day. On June 16, 2021, the Order was returned to the Court as undeliverable. According to the New York State Department of Corrections and Community Supervision website, Plaintiff was paroled on May 27, 2021. By Order dated June 21, 2021, the Court directed Plaintiff to update his address within 45 days. That Order further informed Plaintiff that if he failed to comply, the matter would be dismissed without prejudice, under Rule 41(b) of the Federal Rules of Civil Procedure, for failure to prosecute. That Order was mailed on June 22, 2021, and returned on June 28, 2021. Plaintiff has not submitted a change of address or otherwise communicated with the Court.

**CONCLUSION**

The Court dismisses the action without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

The Clerk of Court is directed to mail a copy of this Order to Plaintiff and note service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: August 12, 2021  
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', is written over a horizontal line.

KENNETH M. KARAS  
United States District Judge